

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Wednesday, April 21, 2021

Hearing Room 1539

10:00 AM
2:00-00000

Chapter 0

**#0.00 All hearings scheduled for today will be conducted remotely,
using ZoomGov video and audio.**

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required **but you must still notify Chambers at [Chambers SBluebond@cacb.uscourts.gov](mailto:SBluebond@cacb.uscourts.gov) of your appearance**". The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

For more information on appearing before Judge Bluebond by ZoomGov, please see the information on the Court's website at:

<https://www.cacb.uscourts.gov/judges/honorable-sheri-bluebond> under the tab, "Telephonic Instructions."

4/21/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1601386012>

ZoomGov meeting number: 160 138 6012

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Docket 0

Courtroom Deputy:

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CONT...

Chapter 0

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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Wednesday, April 21, 2021

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2:20-18645 Jennifer D Thomas

Chapter 7

#1.00 Reaffirmation Agreement Between Debtor and American Airlines Federal Credit Union

fr. 1-14-21, 3-17-21

Docket 8

Courtroom Deputy:

4/21/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1601386012>

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Tentative Ruling:

Tentative ruling for January 14, 2021:

Coversheet is blank. Part D is blank. What is the interest rate? How much are the payments? **Deny approval as agreement is incomplete. Court does not have the information that it requires to approve agreement.**

Final Ruling for January 14, 2021:

Debtor is behind on payments but does want to catch up. Continue hearing to March 17, 2021 at 10:00 a.m.

Tentative Ruling for March 17, 2021:

Is debtor now current on payments? Hearing required.

Final Ruling for March 17, 2021:

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CONT... Jennifer D Thomas

Chapter 7

Debtor reports that creditor said it couldn't accept payments because debtor was in bankruptcy. Court continued hearing to April 21, 2021 at 10:00.

Tentative Ruling for April 21, 2021:

Has debtor made any progress with lender? Hearing required.

Party Information

Debtor(s):

Jennifer D Thomas

Pro Se

Trustee(s):

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

2:21-12195 Esther Flores Lemus and Luis Ferrel Reynaga

Chapter 7

#2.00 Order to Show Cause For Failure to Comply with 11 U.S.C. Section 109(h) re:
Debtor's received Credit Counseling Post Petition

Docket 18

Courtroom Deputy:

4/21/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1601386012>

ZoomGov meeting number: 160 138 6012

Password: 176350

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666
(when prompted, enter meeting number and password shown above)

Tentative Ruling:

Discuss with debtors whether credit counseling occurred before or after
petition was filed.

Party Information

Debtor(s):

Esther Flores Lemus

Represented By
Christopher J Lauria

Joint Debtor(s):

Luis Ferrel Reynaga

Represented By
Christopher J Lauria

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

2:21-12300 Johnny Raymond Peterson

Chapter 7

#3.00 Order to Show Cause For Failure to Comply with 11 U.S.C. Section 109(h) re:
Request for waiver of credit counseling requirement (exigent circumstances)

Docket 10

***** VACATED *** REASON: VACATE OSC AS MOOT. NO
APPEARANCE REQUIRED**

Courtroom Deputy:

4/13/21 - Case Dismissed

4/21/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1601386012>

ZoomGov meeting number: 160 138 6012

Password: 176350

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

(when prompted, enter meeting number and password shown above)

Tentative Ruling:

Vacate OSC as moot. Case has already been dismissed for failure to file documents. No appearance required. Court will prepare order.

Party Information

Debtor(s):

Johnny Raymond Peterson

Pro Se

Trustee(s):

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

2:16-18301 TCC General Contracting, Inc.

Chapter 11

#4.00 Motion For Final Decree and Order Closing Case

Docket 279

***** VACATED *** REASON: GRANTED. APPEARANCES WAIVED**

Courtroom Deputy:

4/21/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1601386012>

ZoomGov meeting number: 160 138 6012

Password: 176350

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

(when prompted, enter meeting number and password shown above)

Tentative Ruling:

Grant motion. Enter final decree. Waive appearances. Reorganized debtor should lodge order consistent with tentative ruling.

Party Information

Debtor(s):

TCC General Contracting, Inc.

Represented By

Steven R Fox

Amelia Puertas-Samara

W. Sloan Youkstetter

Movant(s):

Law Offices of Steven R. Fox

Represented By

Steven R Fox

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2:16-18301 TCC General Contracting, Inc.

Chapter 11

#4.10 Post Confirmation Scheduling and Case Management Conference in a Chapter 11 Case

fr. 8-17-16, 11-1-16, 2-15-17, 5-10-17, 5-17-17, 6-14-17, 8-30-17, 9-6-17, 2-28-18, 5-30-18, 11-28-18, 5-29-19, 12-4-19, 6-3-20, 7-15-20, 8-26-20, 12-9-20, 4-7-21

Docket 1

***** VACATED *** REASON: OFF CALENDAR. NO APPEARANCE
REQUIRED**

Courtroom Deputy:

4/21/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1601386012>

ZoomGov meeting number: 160 138 6012

Password: 176350

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

(when prompted, enter meeting number and password shown above)

Tentative Ruling:

Set bar date and deadline for filing objections to claims. Set deadline for filing plan and disclosure statement.

6/17/16 -- Court granted application for bar date. Deadline to serve notice of bar date -- August 20, 2016. Bar date -- October 31, 2016.

Tentative Ruling for November 1, 2016:

Set deadline for filing plan and disclosure statement in approximately 90 days. Continue case status conference to date scheduled for hearing on disclosure statement.

11/4/16 -- Court signed scheduling order setting following dates:

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CONT... TCC General Contracting, Inc.

Chapter 11

L/D to file plan and disclosure statement -- December 28, 2016
Hearing on disclosure statement -- February 15, 2017 @ 2:00 p.m.
Cont'd status conference -- February 15, 2017 @ 2:00 p.m.

8/14/17 -- Court approved stipulation continuing hearing to September 6, 2017 at 2:00 p.m. OFF CALENDAR FOR AUGUST 30, 2017. Tentative Ruling for February 15, 2017:

Revisit status of case after conclusion of hearing on disclosure statement.

Tentative Ruling for September 6, 2017:

Revisit status of case after conclusion of related matters on calendar.

Tentative Ruling for February 28, 2018:

It appears that the debtor's revenues have been decreasing each month. What is going on and how long will the debtor be able to sustain operations and continue to make plan payments if this continues? Hearing required.

Final Ruling from February 28, 2018:

Continue status conference to May 30, 2018 at 11:00 a.m. Debtor should file updated status report not later than May 21, 2018. Debtor's principal should appear in person at continued status conference.

Tentative Ruling for May 30, 2018:

Debtor's situation appears to have improved since February. Continue case status conference to November 28, 2018 at 11:00 a.m. Debtor should file updated status report not later than November 16, 2018. APPEARANCES WAIVED ON MAY 30, 2018.

Tentative Ruling for November 28, 2018:

Papers filed and served less than 14 days before a hearing need to be

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CONT... TCC General Contracting, Inc.

Chapter 11

transmitted to the judge by a more expedited means than US Mail so that the Court is not required to print its own copy of the papers. Debtor's situation appears to have improved since last status conference. Continue case status conference to May 29, 2019 at 11:00 a.m. Debtor should file updated status report not later than May 15, 2019. APPEARANCES WAIVED ON NOVEMBER 28, 2018.

Tentative Ruling for May 29, 2019:

Continue post-confirmation status conference to December 4, 2019 at 11:00 a.m. Reorganized Debtor should file updated status report not later than November 20, 2019. APPEARANCES WAIVED ON MAY 29, 2019.

Tentative Ruling for December 4, 2019:

Continue post-confirmation status conference to June 3, 2020 at 11:00 a.m. Reorganized Debtor should file updated status report not later than May 22, 2020. APPEARANCES WAIVED ON DECEMBER 3, 2019.

Tentative Ruling for June 3, 2020:

Even though counsel has only been able to communicate with his client via email, he should be able to obtain the information necessary to draft an updated status report accompanied by a declaration by someone with personal knowledge advising the court about the status of the debtor's payments under the plan and when the debtor believes that it will be in a position to make up any delinquent payments. Continue status conference to July 15, 2020 at 11:00 a.m. Debtor should file status report accompanied by declaration by someone with personal knowledge not later than July 2, 2020. APPEARANCES WAIVED ON JUNE 3, 2020.

Tentative Ruling for July 15, 2020:

Where is the status report and accompanying declaration that should have been filed by July 2, 2020? Is debtor current on its plan payments? Will debtor be able to continue performing under plan? Are debtor's principals

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CONT... TCC General Contracting, Inc.

Chapter 11

communicating with counsel? Hearing required.

Final Ruling for July 15, 2020:

Reorganized debtor has not filed quarterly reports for first and second quarter and did not file required status report and declaration. Continue hearing to August 26, 2020 at 11:00 a.m. Debtor should file status report (supported by a declaration by someone with personal knowledge) not later than August 14, 2020.

Tentative Ruling for August 26, 2020:

Court has reviewed the reorganized debtor's status report. Continue case status conference to December 9, 2020 at 11:00 a.m. Reorganized debtor should file updated status report (accompanied by a declaration from someone with personal knowledge) not later than November 30, 2020. APPEARANCES WAIVED ON AUGUST 26, 2020.

Tentative Ruling for December 9, 2020:

Court received status report on December 7, 2020. Court has reviewed the reorganized debtor's status report. Continue case status conference to April 7, 2021 at 11:00 a.m. Reorganized debtor should file updated status report (accompanied by a declaration from someone with personal knowledge) not later than MARCH 26, 2021. APPEARANCES WAIVED ON DECEMBER 9, 2020.

Tentative Ruling for April 7, 2021:

Continue status conference to April 21, 2021 at 10:00 a.m. to be heard concurrently with reorganized debtor's motion for a final decree. OFF CALENDAR FOR APRIL 7, 2021. NO APPEARANCE REQUIRED.

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CONT... TCC General Contracting, Inc.

Chapter 11

Tentative Ruling for April 21, 2021:

Take status conference off calendar due to grant of motion for entry of final decree. No appearance required.

Party Information

Debtor(s):

TCC General Contracting, Inc.

Represented By
Steven R Fox
Amelia Puertas-Samara
W. Sloan Youkstetter

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10:00 AM

2:21-11627 BV Glendora LLC, a Colorado limited liability comp

Chapter 11

#5.00 Scheduling and Case Management Conference in a Chapter 11 Case

Docket 1

Courtroom Deputy:

4/21/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1601386012>

ZoomGov meeting number: 160 138 6012

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(when prompted, enter meeting number and password shown above)

ZoomGov Appearance by:

4/20/21 - Eryk Escobar, (202)934-4168

Tentative Ruling:

Set bar date and deadline for debtor to serve notice of bar date. Would it make sense for the court to order the debtor and the seller to mediation or are negotiations proceeding well on their own? Hearing required.

Party Information

Debtor(s):

BV Glendora LLC, a Colorado

Represented By
Jeffrey S Shinbrot

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2:21-11716 Raymond Madjidian Tash

Chapter 11

#6.00 Order to Show Cause re: Dismissal, Conversion or Appoint of a Chapter 11
Trustee for Small Business Debtor's Failure to File Required Documents

Docket 10

***** VACATED *** REASON: CONT'D. TO 4/28/21 @ 10AM**

Courtroom Deputy:

4/21/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1601386012>

ZoomGov meeting number: 160 138 6012

Password: 176350

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666
(when prompted, enter meeting number and password shown above)

ZoomGov Appearance by:

4/13/21 - Summer Shaw, (760)799-1622

Tentative Ruling:

The debtor has now filed a declaration in which he represents that no balance sheet, statement of operations or cash flow statements exist for him, as he is an individual. Debtor has now filed his 2019 tax returns.

Continue hearing on Court's OSC re dismissal to April 28, 2021 at 10:00 a.m.
to be heard concurrently with creditor's motion to dismiss. OFF CALENDAR
FOR APRIL 21, 2021.

Party Information

Debtor(s):

Raymond Madjidian Tash

Represented By
Summer M Shaw

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

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2:21-11716 Raymond Madjidian Tash

Chapter 11

#7.00 Scheduling and Case Management Conference in a Chapter 11 Subchapter V Case

Docket 1

***** VACATED *** REASON: CONT'D. TO 4/28/21 @ 10AM**

Courtroom Deputy:

4/21/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1601386012>

ZoomGov meeting number: 160 138 6012

Password: 176350

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666
(when prompted, enter meeting number and password shown above)

ZoomGov Appearance by:

4/13/21 - Summer Shaw, (760)799-1622

Tentative Ruling:

Where is the case status report? Continue case status conference to April 28, 2021 at 10:00 a..m. to be heard concurrently with creditor's motion to dismiss. OFF CALENDAR FOR APRIL 21, 2021. (Debtor should file required status report before that date. See docket no. 11.)

Party Information

Debtor(s):

Raymond Madjidian Tash

Represented By
Summer M Shaw

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

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2:20-13276 Growing Educators, Inc

Chapter 7

#8.00 Trustee's Objection to Claim No. 5, Cvent

Docket 38

***** VACATED *** REASON: GRANTED. APPEARANCES WAIVED**

Courtroom Deputy:

4/21/21 - Hearing conducted by ZOOMGov.

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Tentative Ruling:

Grant motion. Allow claim as a late-filed claim pursuant to section 726(a)(3).
APPEARANCES WAIVED. TRUSTEE SHOULD LODGE ORDER
CONSISTENT WITH TENTATIVE RULING.

Party Information

Debtor(s):

Growing Educators, Inc

Represented By
Sanaz Sarah Bereliani

Movant(s):

Elissa Miller (TR)

Pro Se

Trustee(s):

Elissa Miller (TR)

Pro Se

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2:20-11547 Gennady Moshkovich

Chapter 7

#9.00 Trustee's Motion for Order:

(1) Approving Compromise of Controversy Between BOBS, LLC and the Bankruptcy Trustee Pursuant to Federal Rule of Bankruptcy Procedure 9019; and, Amended Motion for Order:

(2) Authorizing Chapter 7 Trustee to Abandon Real Property Located at 911 Loma Vista Drive, Beverly Hills, CA 90210 per 11 U.S.C. Section 554

Docket 282

Courtroom Deputy:

4/21/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1601386012>

ZoomGov meeting number: 160 138 6012

Password: 176350

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666
(when prompted, enter meeting number and password shown above)

ZoomGov Appearance by:

4/15/21 - David Jacob (213)293-5931

4/15/21 - Rommy Shy (listen only)

4/15/21 - Barry Shy (listen only)

4/19/21 - Joshua Scheer, (949)263-8757

4/19/21 - Timothy Silverman, (619)990-1128

4/19/21 - Thomas Casey, (949)766-8787

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CONT... Gennady Moshkovich

Chapter 7

4/19/21 - Donald Fife, (626)792-0855

Tentative Ruling:

Tentative Ruling on the Merits:

Objecting party provided the court with a stack of paper six inches tall that was not bound in any way, with the possible exception of a rubber band. This is unacceptable and not in compliance with the court manual and local rules. Chambers staff was required to expend almost an hour two hole punching and ACCO fastening the stack.

Rulings on Trustee's Evidentiary Objections:

Objections to Debtor's Declaration:

(Court has numbered the evidentiary objections)

1. Sustain (hearsay).
2. Overrule as to authentication. (Debtor can testify that the attachments are the documents he received on such and such a date from so and so.)
Sustain as to balance of objections. Court cannot accept contents of, or any representations contained within, any of the documents as evidence due to lack of foundation and personal knowledge, expertise, etc.)
3. Overrule.
4. Sustain.
5. Sustain.
6. Sustain.

Ruling on Objection to Request for Judicial Notice:

Grant in part. Overrule objection to the extent that it objects to NVSI's request that the court take judicial notice of the fact that the documents attached to the request were filed in the above bankruptcy case and that the parties filing these documents have advanced the positions set forth in these documents. Sustain objection to the extent that the request asks that the court accept the truth of the contents of any of these documents.

Objections to Skylar Declaration:

(Court has numbered objections.)

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1. Overrule, but court understands this testimony merely as a representation that the declarant has reviewed documents that bear these titles. Declarant lacks personal knowledge to actually testify that the documents are what they purport to be.
2. Sustain. Lack of foundation.
3. Overrule.
- 4., 5. and 6. Overrule. There are no documents attached as exhibits to the declaration. Court does not understand this objection.

Tentative Ruling on Merits:

Court has combined its tentative rulings on all motions, as all motions are interrelated. Trustee cannot perform his obligations under the proposed compromise unless the Court reconsiders its motion compelling the trustee to consummate a sale to NVSI. Compromise contemplates the trustee's abandonment of the real property, so trustee could not perform her obligations under the compromise agreement unless the bankruptcy court authorizes the abandonment.

The key issue affecting all of these motions is whether or not the estate will be left with the obligation to pay \$2.56 million in capital gains taxes if the trustee consummates the sale to NVSI, which in turn is affected by the debtor's basis in the property. It is worthy of note that any determination that this court may make as to the likelihood that the estate will owe capital gains taxes if the sale is consummated will not be binding on any taxing authority. This is not an adversary proceeding under Bankruptcy Code section 505. The taxing authorities are not participating in these motions and have not had an opportunity to advance any arguments that they might make in response to the debtor's contention that his basis in the property may be \$18,493,000 higher than the trustee originally believed. If this court denies the motion to abandon and requires the trustee to consummate the sale, the trustee will be the one required to litigate with the taxing authorities the extent to which the estate owes capital gains taxes.

With regard to the trustee's motion for reconsideration, even if the trustee is likely to ultimately prevail in litigation with taxing authorities as to the estate's obligation to pay \$2.56 million in capital gains taxes, it is clear on this record that, at the time this court approved the sale to NVSI and directed the trustee

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to perform under the sale agreement, the court and all parties in interest were relying on the debtor's representation that the debtor would not owe any significant amount of capital gains taxes as a result of the sale. No one was aware that the estate would even have potential exposure to a tax of this magnitude.

(NOTE: Debtor states in his April 13, 2021 filings [docket no. 296, on page 2 at lines 19 through 21] that, at the time the debtor consulted with the trustee regarding his tax basis in the property, he failed to recall the details of the transaction by which he obtained ownership of the property. He then states that he recalled those details in mid-March and immediately divulged those details to the trustee on March 16, 2021. If the debtor did not recall the consideration he paid in exchange for the property until March of 2021, how/why was he in a position to represent that there would be no capital gains taxes when he filed the motion for authority to sell in September of 2020? What caused him to suddenly remember these details in March of 2021?)

And what issue will the trustee need to litigate in order to establish that the debtor's basis in the property is large enough to obviate the need to pay a large amount of capital gains taxes? The debtor seems to be assuming that he can simply add to his basis in the property the value of the business interests he claims to have transferred as part of the consideration for the sale, but it isn't that simple. Unless he treated the exchange of the business for the property as a taxable event and recognized and paid tax on any gain at that time, it is his basis in the business that would become part of his basis in the property, not the entire value of the business at the time of the sale. And will the trustee need to hire an expert in the valuation of Russian businesses and/or conduct a forensic investigation of the business to ascertain the debtor's basis in the business in order to accurately calculate the amount of gain? Is it appropriate to require the trustee to consummate a transaction that will require the trustee to have to litigate an issue of this nature (and what would that cost)?

Certainly, the court was unaware of the fact that, when it approved the sale, it was subjecting the trustee and the estate to this expense and uncertainty. The discovery of this exposure after the trustee was appointed qualifies as a

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significant newly-discovered fact sufficient to warrant reconsideration of the court's earlier orders approving and compelling performance of the sale to NVSI. Accordingly, grant motion to reconsider order compelling trustee to consummate sale. (Court is not concerned about the likelihood that such a ruling will chill bidding on future bankruptcy sales. This is a highly unusual fact pattern. To the best of the court's recollection, in its 20+ years on the bench, it has never found cause to reconsider and vacate an order approving a sale.)

If the court reconsiders and vacates the orders approving and compelling performance of the sale, the trustee would then be in a position to enter into a compromise with BOBs in lieu of a sale. In that context, the court is not required to adjudicate the merits of the litigation that the trustee might otherwise prosecute against BOBs. The court is required to evaluate the trustee's business judgment to enter into the proposed compromise in light of the A&C factors to assess whether the settlement is fair and equitable and in the best interests of the estate. These factors are (1) the probability of success in the litigation; (2) the difficulties, if any, to be encountered in the matter of collection; (3) the complexity of the litigation and the expense, inconvenience and delay necessarily attending it; and (4) the paramount interest of the creditors and a proper deference to their reasonable views in the premises. The proposed compromise easily satisfies this standard. Litigation with BOBs is likely to be expensive and time consuming and the outcome is uncertain. The proposed settlement ensures a 100 percent distribution to all timely filed allowed administrative and unsecured claims. This is an excellent result and not one that would be assured if the compromise were not approved. Accordingly, the settlement is in the best interest of the estate and the compromise should be approved. In light of the foregoing, the court should grant the motion to authorize abandonment to permit the trustee to effectuate the compromise.

Party Information

Debtor(s):

Gennady Moshkovich

Represented By
David R Haberbush

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CONT... Gennady Moshkovich

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Movant(s):

Heide Kurtz (TR)

Represented By
Thomas H Casey

Trustee(s):

Heide Kurtz (TR)

Represented By
Thomas H Casey

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10:00 AM

2:20-11547 Gennady Moshkovich

Chapter 7

#10.00 Trustee's Motion for Order:

(1) Reconsidering the Sale Order Entered December 16, 2020

(2) Authorizing the Trustee to Distribute the Buyer's Deposit to the Buyer; and,
Supplement to the Trustee's Previously Filed Motion to Reconsider the
Enforcement Order Entered January 13, 2021

Docket 286

Courtroom Deputy:

4/21/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1601386012>

ZoomGov meeting number: 160 138 6012

Password: 176350

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666
(when prompted, enter meeting number and password shown above)

ZoomGov Appearance by:

4/15/21 - David Jacob (213)293-5931

4/15/21 - Rommy Shy (listen only)

4/15/21 - Barry Shy (listen only)

4/19/21 - Joshua Scheer, (949)263-8757

4/19/21 - Timothy Silverman, (619)990-1128

4/19/21 - Thomas Casey, (949)766-8787

Tentative Ruling:

Grant. See tentative ruling for matter no. 9.

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Wednesday, April 21, 2021

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CONT... Gennady Moshkovich

Chapter 7

Party Information

Debtor(s):

Gennady Moshkovich

Represented By
David R Haberbush

Movant(s):

Heide Kurtz (TR)

Represented By
Thomas H Casey

Trustee(s):

Heide Kurtz (TR)

Represented By
Thomas H Casey

**United States Bankruptcy Court
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Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Wednesday, April 21, 2021

Hearing Room 1539

11:00 AM

2:20-11547 Gennady Moshkovich

Chapter 7

#100.00 BOBS, LLC'S Motion to Dismiss Chapter 11 Case Pursuant to 11 USC Section 1112(b)

fr. 8-4-20, 9-30-20, 12-2-20, 1-6-21, 3-10-21, 3-17-21

Docket 81

Courtroom Deputy:

4/21/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1601386012>

ZoomGov meeting number: 160 138 6012

Password: 176350

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666
(when prompted, enter meeting number and password shown above)

ZoomGov Appearance by:

4/15/21 - David Jacob (213)293-5931

4/15/21 - Rommy Shy (listen only)

4/15/21 - Barry Shy (listen only)

4/19/21 - Thomas Casey, (949)766-8787

4/19/21 - Joshua Scheer, (949)263-8757

4/19/21 - Timothy Silverman, (619)990-1128

Tentative Ruling:

Tentative Ruling for August 4, 2020:

The Court has been closely monitoring the debtor's progress with regard to a

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Chapter 7

sale of the property in this case and will continue to do so. This case was filed on February 12, 2020 and, within approximately a month, reality changed dramatically. Debtor may be excused for the fact that vigorous marketing efforts did not begin and yield fruit immediately; however, the Court's patience and understanding is limited. At some point in the very near future, the Court will begin to share the movant's frustration with the pace at which the debtor has marketed this property and will reach the conclusion that the debtor is indeed trying simply to retain his luxury lifestyle at no cost for as long as possible.

At this point, the Court is not yet ready to conclude that the case was filed in bad faith, but the proof will be "in the pudding." Continue hearing 60 to 90 days to see whether the debtor complies with the deadline that the court has established for the filing of a motion to sell the property.

Final Ruling for August 4, 2020:

Continue hearing to September 30, 2020 at 11:00 a.m. No new briefing required or permitted.

Tentative Ruling for September 30, 2020:

If debtor files nonfrivolous motion to sell property by September 25, 2020, continue hearing to date of hearing on motion for authority to sell property. (Motion to conduct auction with release price at or near debtor's appraised value for the property will not suffice.) If debtor fails to file nonfrivolous motion for authority to sell by deadline established by the court for this purpose, revisit motion after conclusion of hearing on court's order to show cause.

Tentative Ruling for December 2, 2020:

Revisit motion after conclusion of hearing on sale motion.

Tentative Ruling for January 6, 2021:

Deny motion. If trustee concludes that a sale of the property cannot be

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CONT... Gennady Moshkovich Chapter 7

consummated in a manner that would produce a benefit for the estate, trustee can abandon property or court can grant relief from stay. Dismissal of case is unnecessary and would not be in the best interest of any party other than movant.

Tentative Ruling for March 10, 2021:

Continue to March 17, 2021 at 11:00 a.m. to be heard concurrently with related matters on calendar at that time.

3/12/21 -- Continue hearing to coincide with other hearings continued pursuant to stipulation to April 21, 2021 at 2:00 p.m. APPEARANCES WAIVED ON MARCH 17, 2021.

Tentative Ruling for April 21, 2021:

If court approves compromise, deny motion to dismiss. (See tentative ruling for matter no. 9.)

Party Information

Debtor(s):

Gennady Moshkovich

Represented By
David R Haberbush

Movant(s):

BOBS LLC

Represented By
David Jacob

Trustee(s):

Heide Kurtz (TR)

Represented By
Thomas H Casey

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Los Angeles
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11:00 AM

2:20-11547 Gennady Moshkovich

Chapter 7

#101.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 911 Loma Vista Drive, Beverly Hills, California 90210

MOVANT: BOBS, LLC.

fr. 8-4-20, 9-30-20, 12-2-20, 1-6-21, 3-10-21, 3-17-21

Docket 80

Courtroom Deputy:

4/21/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1601386012>

ZoomGov meeting number: 160 138 6012

Password: 176350

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666
(when prompted, enter meeting number and password shown above)

ZoomGov Appearance by:

4/15/21 - David Jacob (213)293-5931

4/15/21 - Rommy Shy (listen only)

4/15/21 - Barry Shy (listen only)

4/19/21 - Thomas Casey, (949)766-8787

4/19/21 - Joshua Scheer, (949)263-8757

4/19/21 - Timothy Silverman, (619)990-1128

Tentative Ruling:

Tentative Ruling for August 4, 2020:

**United States Bankruptcy Court
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11:00 AM

CONT... Gennady Moshkovich

Chapter 7

Grant motion to disqualify Rommy Shy as an expert witness. He may be qualified to perform an appraisal of the property, but he has not demonstrated that with the information contained in his declaration. With regard to the second argument advanced in the motion to strike -- that he should be disqualified because of his economic stake in the outcome -- the court recognizes that there is a difference between hiring a supposedly independent expert and then compensating that expert on a contingency basis and letting a party in interest who has the requisite expertise offer expert testimony. Court would not necessarily exclude testimony in the latter instance, but the existence of incentive and bias would certainly cause the court to take the incentives of the declarant into consideration in weighing the validity/accuracy of the testimony.

In light of the foregoing, the only admissible evidence currently in the record as to the value of the property is that supplied by the debtor -- an appraisal showing the value of the property at \$26 million. There is no evidence that the property is declining in value, so, at present, the movant has not established that it is entitled to relief from stay under either section 362(d)(1) for lack of adequate protection or under section 362(d)(2).

However, as the court has previously explained, particularly in light of the limited resources that the debtor has to maintain the property pending the consummation of a sale, the property needs to be sold promptly. And the court will have an opportunity in connection with the sale process to determine whether the debtor's valuation is accurate. Toward this end, the Court entered a scheduling order on June 23, 2020, directing the debtor to file a motion to approve a sale of the property not later than September 25, 2020. (An order approving real estate brokers was entered on July 28, 2020.)

Based on this record, if the Court were to rule on the motion now, it would deny the motion without prejudice, but, if movant would prefer, court will continue hearing for approximately 60 to 90 days to see whether the debtor moves forward promptly with a sale of the property or whether relief from stay should be granted to prevent the debtor from further delaying this process. (See tentative ruling for matter number 7 for court's tentative ruling with regard to contention that relief from stay should be granted because case

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CONT... Gennady Moshkovich
was filed in bad faith.)

Chapter 7

Final Ruling for August 4, 2020:

Continue hearing to September 30, 2020 at 11:00 a.m. No new briefing required or permitted.

Tentative Ruling for September 30, 2020:

If debtor files nonfrivolous motion to sell property by September 25, 2020, continue hearing to date of hearing on motion for authority to sell property. (Motion to conduct auction with release price at or near debtor's appraised value for the property will not suffice.) If debtor fails to file nonfrivolous motion for authority to sell by deadline established by the court for this purpose, grant motion.

Tentative Ruling for December 2, 2020:

If court grants sale motion, deny motion for relief from stay.

Tentative Ruling for January 6, 2021:

Continue hearing to give trustee appointed an opportunity to ascertain whether the sale should be consummated or whether relief from stay should be granted.

Tentative Ruling for March 10, 2021:

Continue to March 17, 2021 at 11:00 a.m. to be heard concurrently with related matters on calendar at that time.

3/12/21 -- Continue hearing to coincide with other hearings continued pursuant to stipulation to April 21, 2021 at 2:00 p.m. APPEARANCES WAIVED ON MARCH 17, 2021.

Tentative Ruling for April 21, 2021:

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Chapter 7

See tentative ruling for matter no. 9. If the court approves the compromise and the proposed abandonment of the property, this motion will be moot. Enter comfort order clarifying that, in light of abandonment, automatic stay will terminate as of the effective date of the abandonment.

Party Information

Debtor(s):

Gennady Moshkovich

Represented By
David R Haberbush

Movant(s):

BOBS LLC

Represented By
David Jacob

Trustee(s):

Heide Kurtz (TR)

Represented By
Thomas H Casey

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11:00 AM

2:20-11547 Gennady Moshkovich

Chapter 7

**#102.00 NVSI, Inc's. Motion To Compel Debtor Or Alternatively The Clerk Of The Court
To Execute Specific Documents To Complete Sale Of Real Property
[OST]**

fr. 1-27-21, 2-24-21, 3-17-21

Docket 215

Courtroom Deputy:

4/21/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1601386012>

ZoomGov meeting number: 160 138 6012

Password: 176350

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666
(when prompted, enter meeting number and password shown above)

ZoomGov Appearance by:

4/15/21 - David Jacob (213)293-5931

4/15/21 - Rommy Shy (listen only)

4/15/21 - Barry Shy (listen only)

4/19/21 - Thomas Casey, (949)766-8787

4/19/21 - Joshua Scheer, (949)263-8757

4/19/21 - Timothy Silverman, (619)990-1128

Tentative Ruling:

Tentative Ruling for January 27, 2021:

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11:00 AM

CONT... Gennady Moshkovich

Chapter 7

Court must resolve matter no. 6 first. If Court grants trustee's motion, reconsiders the sale order and authorizes the trustee to abandon the property, court cannot enter an order compelling the debtor to transfer the property. Once abandonment occurs, the property is no longer an asset of the bankruptcy estate and is beyond the jurisdiction of this court. (See, e.g., In re Grossinger's Assocs., 184 B.R. 429 (Bankr. S.D.N.Y. 1995) and cases cited therein.)

Although Court could hold the debtor in civil contempt for violating an order of this court, even after the underlying real property has been abandoned, movant has not requested that remedy in this motion, and that will not work in any event. If the Court grants the trustee's motion to reconsider and vacate the order that compels the debtor and/or the trustee to execute the sale documents in light of the newly-discovered tax liability, there will no longer be an order that compels the debtor to sign these documents.

Once the property is abandoned, movant can bring an action in state court for breach of contract and seek the remedy of specific performance, but there are at least two problems with this approach (other than the length of time it would take to compel performance). First, if the court reconsiders the order approving the sale as having been improvidently entered, the debtor will no longer be obligated to perform as it will be as if the court did not approve the agreement. Second, once the property has been abandoned, the automatic stay that prevents BOBS from proceeding with its foreclosure will terminate. Although it may be that BOBS and the debtor will negotiate something that would permit the debtor to retain the property after abandonment, this will not resolve the first problem.

With regard to the movant's request for attorneys' fees, although there may be an exclusion from the mediation requirement, attorneys' fees may only be awarded under the contract to the prevailing party. If the Court vacates its prior order compelling performance of the contract, movant will no longer be the prevailing party in this dispute.

Therefore, it appears that this motion must be denied. If the Court denies the trustee's motion, this motion will be moot (except with regard to the request for attorneys' fees). If the Court grants the trustee's motion, the Court will be

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CONT... Gennady Moshkovich

Chapter 7

without jurisdiction to order the relief that movant seeks.

Final Ruling for January 27, 2021:

With the consent of the parties, continue hearing to January 24, 2021 at 11:00 a.m.

Tentative Ruling for February 24, 2021:

See tentative ruling for matter no. 100. Hearing required.

2/22/21 -- Court approved stipulation continuing hearing to March 17, 2021 at 11:00 a.m. APPEARANCES WAIVED ON FEBRUARY 24, 2021.

3/12/21 -- Court approved stipulation continuing hearing to April 21, 2021 at 11:00 a.m. APPEARANCES WAIVED ON MARCH 17, 2021.

Tentative Ruling for April 21, 2021:

See tentative ruling for matter no. 9. Deny motion. (Order can include provisions requiring trustee and escrow to refund movant's deposit.)

Party Information

Debtor(s):

Gennady Moshkovich

Represented By
David R Haberbush

Movant(s):

NVSI, INC., its successors and/or

Represented By
Joshua L Scheer
Timothy J Silverman

Trustee(s):

Heide Kurtz (TR)

Represented By
Thomas H Casey

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Wednesday, April 21, 2021

Hearing Room 1539

11:00 AM

2:20-11547 Gennady Moshkovich

Chapter 7

#103.00 Trustee's Motion for Order:

(1) Authorizing Chapter 7 Trustee to Abandon Real Property Located at 911 Loma Vista Drive, Beverly Hills, CA 90210 Per 11 U.S.C. Section 554

(2) Authorizing Chapter 7 Trustee to Abandon Pending Adversary Proceeding Case No. 2:20-ap-01623-BB Per 11 U.S.C. Section 554

(3) Reconsidering the Enforcement Order Entered January 13, 2021 as to the Trustee

[OST]

fr. 1-27-21, 2-24-21, 3-17-21

Docket 207

Courtroom Deputy:

4/21/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1601386012>

ZoomGov meeting number: 160 138 6012

Password: 176350

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666
(when prompted, enter meeting number and password shown above)

ZoomGov Appearance by:

4/15/21 - David Jacob (213)293-5931

4/15/21 - Rommy Shy (listen only)

4/15/21 - Barry Shy (listen only)

4/19/21 - Thomas Casey, (949)766-8787

**United States Bankruptcy Court
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11:00 AM

CONT... Gennady Moshkovich

Chapter 7

4/19/21 - Joshua Scheer, (949)263-8757

4/19/21 - Timothy Silverman, (619)990-1128

Tentative Ruling:

Tentative Ruling for January 27, 2021:

The motion is silent as to the trustee's intentions with regard to the personal property located within the debtor's residence. Does the trustee seek authority to abandon that as well? Is the Court correct in understanding paragraph 34 of the Donald Fife's declaration to mean that, after payment of sales taxes, closing costs and the debtor's exemption, the personal property would produce (if the sale were to proceed) net proceeds of \$90,000?

The motion seeks authority to abandon the debtor's adversary proceeding against BOBS as well as the underlying real property. The nature of this litigation is such that the estate could not retain this litigation if it abandons the underlying real property, but court would like additional information concerning the representation made in the motion that the lawsuit is unlikely to produce sufficient value to enable the estate to pay the \$2.56 million in estimated capital gains taxes. The lawsuit seeks, among other things, to have the lender's claim treated as wholly unsecured due to problems with the documentation. Is the trustee persuaded that the estate is unlikely to prevail on this claim?

Hearing required.

Final Ruling for January 27, 2021:

Trustee does not intend to abandon personal property. Court-ordered purchaser is willing to give the trustee more time to more fully analyze the capital gains taxes that would result from the sale, and the trustee is willing to explore whether there might be another alternative that would involve a compromise with BOBS. With consent of the parties, continue hearing to February 24, 2021 at 11:00 a.m. to give the trustee more time to evaluate tax liability and explore prospect of a compromise.

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CONT... Gennady Moshkovich

Chapter 7

Tentative Ruling for February 24, 2021:

What, if any, progress has been made since the January 27 hearing?
Hearing required.

2/22/21 -- Court approved stipulation continuing hearing to March 17, 2021 at 11:00
a.m. APPEARANCES WAIVED ON FEBRUARY 24, 2021.

3/12/21 -- Court approved stipulation continuing hearing to April 21, 2021 at 11:00
a.m. APPEARANCES WAIVED ON MARCH 17, 2021.

Tentative Ruling for April 21, 2021:

Supplement to debtor's opposition is extremely difficult to read. Print is too light
on .pdf version filed with the court. Perhaps debtor's counsel needs to change the
toner on its printer?

See tentative ruling for matter no. 9. Grant motion.

Party Information

Debtor(s):

Gennady Moshkovich

Represented By
David R Haberbush

Movant(s):

Heide Kurtz (TR)

Represented By
Thomas H Casey

Trustee(s):

Heide Kurtz (TR)

Represented By
Thomas H Casey

**United States Bankruptcy Court
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Hearing Room 1539

11:00 AM

2:20-20722 Rogue Apparel Group Inc.

Chapter 7

#104.00 Status Conference re: Chapter 7 Involuntary Petition Against a Non-Individual
fr. 1-27-21, 3-10-21, 3-31-21

Docket 1

***** VACATED *** REASON: CONT'D. TO 5/5/21 @ 10AM**

Courtroom Deputy:

4/21/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1601386012>

ZoomGov meeting number: 160 138 6012

Password: 176350

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

(when prompted, enter meeting number and password shown above)

Tentative Ruling:

When will debtor be able to resolve corporate status issues? Will the parties need to engage in discovery as to whether the debtor is generally paying its debts as they become due? Is there a dispute as to the number of creditors?

Hearing required.

2/16/21 -- Court approved stipulation continuing hearing to March 31, 2021 at 11:00 a.m. OFF CALENDAR FOR MARCH 10, 2021.

3/1/21 -- Court approved stipulation continuing hearing to April 21, 2021 at 11:00 a.m. OFF CALENDAR FOR MARCH 31, 2021.

Tentative Ruling for April 21, 2021:

Continue status conference to May 5, 2021 at 10:00 a.m. to be heard concurrently with stipulation re dismissal. APPEARANCES WAIVED ON APRIL 21, 2021.

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CONT... Rogue Apparel Group Inc.

Chapter 7

Party Information

Debtor(s):

Rogue Apparel Group Inc.

Represented By
Anthony J Rothman Esq

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
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Wednesday, April 21, 2021

Hearing Room 1539

11:00 AM

2:18-22155 Herbert W. Gains and Beth A. Gains

Chapter 11

#105.00 Post Confirmation Scheduling and Case Management Conference in a Chapter 11 Case

fr. 12-12-18, 3-13-19, 6-12-19, 11-6-19, 2-19-20, 3-4-20, 5-21-20, 10-21-20

Docket 1

***** VACATED *** REASON: CONT'D. TO 10/13/21 @ 11AM**

Courtroom Deputy:

4/21/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1601386012>

ZoomGov meeting number: 160 138 6012

Password: 176350

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666
(when prompted, enter meeting number and password shown above)

Zoomgov Appearance by:

4/19/21 - Todd Arnold, (310)229-1234

Tentative Ruling:

Set bar date and deadline for serving notice of bar date.

12/17/18 -- Court approved scheduling order with following dates:

L/D to serve notice of bar date -- December 14, 2018

Bar date -- February 8, 2019

Cont'd status conference -- March 13, 2019 at 11:00 a.m.

L/D to file status report -- February 27, 2019

Tentative Ruling for March 13, 2019:

Are any prospective purchasers showing interest in the debtor's property? If not, how do the debtors explain this?

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11:00 AM

CONT... Herbert W. Gains and Beth A. Gains

Chapter 11

Were there any surprises among the claims filed by the bar date?

Hearing required.

Tentative Ruling for June 12, 2019:

Debtors do not need to continue answering all of the same questions from the original order setting status conference in their status reports. They can simply update the court on the status of the case and the debtor's intentions with regard to the future of the case.

Revisit status of case after conclusion of hearing on surcharge motion. Set deadline for filing plan and disclosure statement for approximately 90 to 120 days.

6/18/19 -- Court approved scheduling order setting following dates:

L/D to file a plan and disclosure statement -- September 25, 2019
Hearing on disclosure statement -- November 6, 2019 at 2:00 p.m.
Cont'd status conference -- November 6, 2019 at 2:00 p.m.
Requirement that status conference be filed is waived.

8/30/19 -- Court granted ex parte application to extend deadline to file plan and disclosure statement to December 20, 2019.

Tentative Ruling for November 6, 2019:

Is debtor on track to be able to file its plan by December 20, 2019? If not, why not? Hearing required.

11/13/19 -- Court approved scheduling order with following dates:

New deadline for debtor to file plan and disclosure statement -- January 8, 2020
Hearing on disclosure statement -- February 19, 2020 at 2
Cont'd status conference -- February 19, 2020 at 2

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11:00 AM

CONT... Herbert W. Gains and Beth A. Gains

Chapter 11

2/11/20 -- Court approved stipulation continuing hearing to March 4, 2020 at 2:00 p.m. OFF CALENDAR FOR FEBRUARY 19, 2020.

Tentative Ruling for March 4, 2020:

Revisit status of case after conclusion of hearing on disclosure statement.

Tentative Ruling for May 21, 2020:

If Court confirms plan, take case status conference off calendar and schedule post-confirmation status conference. Set deadline for reorganized debtor to file post-confirmation status report accompanied by a declaration from someone with personal knowledge as to the status of the payments required under the plan.

Tentative Ruling for October 21, 2020:

Court has reviewed reorganized debtor's status report. Continue case status conference to April 21, 2021 at 11:00 a.m. Reorganized debtor should file updated status report accompanied by declaration from someone with personal knowledge not later than April 9, 2021. APPEARANCES WAIVED ON OCTOBER 21, 2020.

Tentative Ruling for April 21, 2021:

Reorganized debtors filed status report due April 9, 2021 on April 20, 2021. Continue case status conference to October 13, 2021 at 11:00 a.m. Reorganized debtors should file updated status report not later than October 1, 2021. APPEARANCES WAIVED ON APRIL 21, 2021.

Party Information

Debtor(s):

Herbert W. Gains

Represented By
Martin J Brill
Todd M Arnold

**United States Bankruptcy Court
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Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Wednesday, April 21, 2021

Hearing Room 1539

11:00 AM

CONT... Herbert W. Gains and Beth A. Gains

Chapter 11

Joint Debtor(s):

Beth A. Gains

Represented By
Martin J Brill
Todd M Arnold

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Wednesday, April 21, 2021

Hearing Room 1539

11:00 AM

2:19-14758 Marco General Construction, Inc.

Chapter 11

#106.00 Post Confirmation Scheduling and Case Management Conference in a Chapter 11 Case

fr. 6-19-19, 9-18-19, 12-18-19, 4-1-20, 6-30-20, 8-26-20, 10-7-20, 12-16-20

Docket 1

***** VACATED *** REASON: CONT'D. TO 10/13/21 @ 11AM**

Courtroom Deputy:

4/21/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1601386012>

ZoomGov meeting number: 160 138 6012

Password: 176350

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666
(when prompted, enter meeting number and password shown above)

ZoomGov Appearance by:

4/15/21 - Michael Berger, (310)271-6223

Tentative Ruling:

Set deadline for debtor to serve notice of bar date and bar date. Continue case status conference approximately 90 days.

6/20/19 -- Court signed scheduling order setting following dates:

L/D to serve notice of bar date -- June 26, 2019

Bar date -- August 16, 2019

L/D to file updated status report -- September 6, 2019

Cont'd status conference -- September 18, 2019 at 11:00 a.m.

Tentative Ruling for September 18, 2019:

Does it make sense for the debtor to utilize the bankruptcy court's mediation

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Courtroom 1539 Calendar**

Wednesday, April 21, 2021

Hearing Room 1539

11:00 AM

CONT... Marco General Construction, Inc. Chapter 11

program in an effort to resolve disputes with Creditor's Adjustment Bureau?
Now that the debtor has succeeded in setting aside default judgment, is it
even necessary for this case to remain in bankruptcy?

Hearing required.

9/19/19 -- Court approved scheduling order with the following dates:

Cont'd status conference -- December 18, 2019 at 11:00 a.m.

L/D to file updated status report -- December 6, 2019

L/D to lodge order appointing mediators -- October 1, 2019

L/D to complete mediation -- December 18, 2019

10/2/19 -- Court approved order appointing mediators.

Tentative Ruling for December 18, 2019:

Has debtor filed an objection to the proofs of claim filed by State
Compensation Insurance Fund and 1 West Capital, LLC? If not, why not?
What is the debtor's game plan with regard to the claim of Creditor's
Adjustment Bureau? Is it time to permit the state court litigation to proceed to
a final judgment?

Hearing required.

12/20/19 -- Court approved scheduling order setting following dates:

1/6/2020 -- L/D for debtor to file objections to claims of State Compensation
Insurance Fund and 1 West Capital;

3/20/2020 -- L/D for debtor to file updated status report

3/31/2020 -- L/D for debtor to file plan and disclosure statement

4/1/2020 at 11:00 a.m. -- Cont'd case status conference

3/27/20 -- Court approved stipulation setting following dates:

L/D for debtor to file plan and disclosure statement -- June 30, 2020

Cont'd status conference -- July 1, 2020 at 11:00 a.m.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Wednesday, April 21, 2021

Hearing Room 1539

11:00 AM

**CONT... Marco General Construction, Inc.
OFF CALENDAR FOR APRIL 1, 2020.**

Chapter 11

Tentative Ruling for June 30, 2020:

Deadline to file plan set by the Court is June 30, 2020. Will debtor meet that deadline? If not, why not? Hearing required.

8/14/20 -- Court approved stipulation continuing hearing on disclosure statement to October 7, 2020 at 2:00 p.m. Court continued case status conference to same date and time. OFF CALENDAR FOR AUGUST 26, 2020.

Tentative Ruling for October 7, 2020:

If court approves disclosure statement, continue case status conference to same date and time as confirmation hearing.

Tentative Ruling for December 16, 2020:

If court confirms plan, schedule post-confirmation status conference and deadline for filing post-confirmation status report.

Tentative Ruling for April 21, 2021:

Court has reviewed reorganized debtor's status report. Continue case status conference to October 13, 2021 at 11:00 a.m. Reorganized debtor should file updated status report not later than October 1, 2021, if final decree has not been entered by then. APPEARANCES WAIVED ON APRIL 21, 2021.

Party Information

Debtor(s):

Marco General Construction, Inc.

Represented By
Michael Jay Berger

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Wednesday, April 21, 2021

Hearing Room 1539

11:00 AM

2:19-20332 West Coast Distribution, Inc.

Chapter 11

#107.00 Post Confirmation Scheduling and Case Management Conference in a Chapter 11 Case

fr.10-16-19, 1-15-20, 3-18-20, 3-26-20, 6-3-20, 1-6-21

Docket 87

***** VACATED *** REASON: CONT'D. TO 10/13/21 @ 11AM**

Courtroom Deputy:

4/21/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1601386012>

ZoomGov meeting number: 160 138 6012

Password: 176350

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666
(when prompted, enter meeting number and password shown above)

ZoomGov Appearance by:

4/13/21 - DAvid Goodrich, (714)966-1000

Tentative Ruling:

10/21/19 -- Court approved scheduling order that set following dates:

L/D to serve notice of bar date -- October 25, 2019

Bar date -- December 20, 2019

Con'd case status conference -- January 15, 2020 at 11

L/D to file updated status report -- January 3, 2020

Tentative Ruling for January 15, 2020:

Set deadline for debtor to file plan and disclosure statement and administrative bar date for all creditors other than professional persons. Set deadline for debtor to serve notice of bar date.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Wednesday, April 21, 2021

Hearing Room 1539

11:00 AM

CONT... West Coast Distribution, Inc.

Chapter 11

Tentative Ruling for March 26, 2020:

Revisit status of case after conclusion of hearing on disclosure statement.

If court confirms plan, take case status conference off calendar and set new post-confirmation status conference date and deadline for liquidating trustee to file status report.

Tentative Ruling for January 6, 2021:

Court has reviewed trust's post-confirmation status report. Continue post-confirmation status conference to April 21, 2021 at 11:00 a.m. Trustee should file updated status report not later than April 9, 2021.
APPEARANCES WAIVED ON JANUARY 6, 2021.

Tentative Ruling for April 21, 2021:

Court has reviewed liquidating trustee's status report. Continue case status conference to October 13, 2021 at 11:00 a.m. Liquidating trustee should file updated status report not later than October 1, 2021. APPEARANCES WAIVED ON APRIL 21, 2021.

Party Information

Debtor(s):

West Coast Distribution, Inc.

Represented By

Ron Bender

Lindsey L Smith

Merhab, Robinson & Clakson, Law

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Wednesday, April 21, 2021

Hearing Room 1539

11:00 AM

2:20-20876 Airport Van Rental, Inc., a California corporation

Chapter 11

#108.00 Debtor's Motion to Consolidate Lead Case 2:20-bk-20876BB with 2:20-bk-20877BB; 2:20-bk-20878BB; 2:20-bk-20882BB and 2:20-bk-20883BB

fr. 2-24-21, 3-17-21

Docket 165

Courtroom Deputy:

4/21/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1601386012>

ZoomGov meeting number: 160 138 6012

Password: 176350

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666
(when prompted, enter meeting number and password shown above)

ZoomGov Appearance by:

4/15/21 - Tom Mormandin, (714)547-2444

4/19/21 - John Tedford, (310)923-0798

4/19/21 - Zev Shechtman, (310)903-6344

4/19/21 - Elan Levey, (213)894-3997

4/20/21 - Roye Zur, (310)746-4495

4/20/21 - Eryk Escobar, (202)934-4168

Tentative Ruling:

2/12/21 -- Court approved stipulation continuing hearing to March 17, 2021 at 11:00 a.m. OFF CALENDAR FOR FEBRUARY 24, 2021.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Wednesday, April 21, 2021

Hearing Room 1539

11:00 AM

CONT... Airport Van Rental, Inc., a California corporation Chapter 11

3/5/21 -- Court approved stipulation continuing hearing to April 21, 2021 at 11:00 a.m. OFF CALENDAR FOR MARCH 17, 2021.

Tentative Ruling for April 21, 2021:

At debtors' request, continue hearing on motion to June 16, 2021 at 11:00 a.m.

Party Information

Debtor(s):

Airport Van Rental, Inc., a California

Represented By
Zev Shechtman
John N Tedford IV
Michael G D'Alba

Movant(s):

Airport Van Rental, Inc., a California

Represented By
Zev Shechtman
John N Tedford IV
Michael G D'Alba

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Wednesday, April 21, 2021

Hearing Room 1539

11:00 AM

2:20-20876 Airport Van Rental, Inc., a California corporation

Chapter 11

#109.00 Debtor's Motion to Use Cash Collateral on an Interim Basis Pending a Final Hearing, Scheduling a Final Hearing on the Debtors' Request for Authority to Use Cash Collateral Through June 30, 2021, and Granting Related Relief

fr. 12-17-20, 1-27-21, 2-24-21, 3-17-21

Docket 12

Courtroom Deputy:

4/21/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1601386012>

ZoomGov meeting number: 160 138 6012

Password: 176350

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666
(when prompted, enter meeting number and password shown above)

ZoomGov Appearance by:

4/15/21 - Tom Mormandin, (714)547-2444

4/19/21 - John Tedford, (310)923-0798

4/19/21 - Zev Shechtman, (310)903-6344

4/19/21 - Elan Levey, (213)894-3997

4/20/21 - Roye Zur, (310)746-4495

4/20/21 - Eryk Escobar, (202)934-4168

Tentative Ruling:

Tentative Ruling for December 17, 2020:

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Wednesday, April 21, 2021

Hearing Room 1539

11:00 AM

CONT... Airport Van Rental, Inc., a California corporation

Chapter 11

Court is confused. Is this really a cash collateral motion or is the debtor seeking approval for its proposed adequate protection programs in an effort to prevent lenders/lessors from seeking relief from stay with regard to its vehicles on the ground that they lack adequate protection?

In other words, where is the cash collateral? According to the motion and the accompanying declaration, when one of its vehicles is sold, the debtor is required to pay either all of the net proceeds to the lender/lessor or at least the portion of the net proceeds necessary to satisfy the balance due under the lease. (If the net proceeds are insufficient for this purpose, debtor will still owe the balance.) Does the debtor plan to start retaining the net proceeds generated from vehicle sales in violation of the contracts?

Do the relevant agreements make the post-petition rents that the debtor charges for the use of its vehicles proceeds that are subject to the lessor/lender's security interests? Do any of the lenders have security interests in the payments the debtor receives under its governmental contracts? Does the debtor have other accounts receivable in which the lessors/lenders assert security interests? If not, is there any sense in which the debtor is planning to use *cash* collateral?

Hearing required.

Final Ruling for December 17, 2020:

(See interim order entered December 18, 2020. Court authorized use of cash collateral on interim basis through the close of business on June 29, 2021 in accordance with budget plus a 10 percent variance. Final hearing set for January 27, 2021 at 11:00 a.m.

Tentative Ruling for January 27, 2021:

Parties must refer to local rules and court manual and serve copies of papers filed on Judge Bluebond. Papers that are not served on the judge will not be considered (unless they are 25 pages or less in length). Papers filed less than two weeks prior to a hearing must be served using an expedited service method (overnight mail, FedEx, etc.)

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
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Wednesday, April 21, 2021

Hearing Room 1539

11:00 AM

CONT... Airport Van Rental, Inc., a California corporation

Chapter 11

First Source Bank complains in part that the proposed adequate protection payments are insufficient to compensate it for the depreciation in the value of the vehicles that form its collateral. This is a cash collateral motion. The court will only adjudicate in this context the extent to which the debtor's proposal does or does not provide adequate protection for the use of a lender's CASH collateral. To the extent that a lender believes the debtor is not providing adequate protection for depreciation in the value of a noncash item of collateral, it is free to bring a motion for relief from stay with regard to that item or category of collateral (or to negotiate other arrangements with the debtor). The grant of this motion will not resolve that issue.

Similarly, if a lessor claims that it holds a true lease of a vehicle and is therefore entitled to payments in accordance with its lease from and after the 60th day of this case, a decision by this court to grant the instant motion would have no affect on such rights. The debtor has not requested and the court is not considering whether to relieve the debtor of any obligation to make such payments.

To the extent that the debtor seeks authority to make adequate protection payments by way of this motion, approval of the motion will not constitute a finding that the proposed adequate payments actually provide adequate protection for the use of anything other than cash collateral.

Court remains concerned that debtor might be required to use cash collateral of one lender to make payments to a different lender if debtor intends to make adequate protection payments to a given lender that exceed the rents generated by that lender's collateral. Is it necessarily the case that this won't occur under the debtor's current proposal?

At the interim hearing, the court was able to determine from budget that any diminution in the cash collateral balances due to the debtors' use of these funds would be more than offset by the cash payments that the debtor would be making during the interim period. Does this remain the case during this period?

Can it be argued that the court should apply equitable principles under

**United States Bankruptcy Court
Central District of California
Los Angeles
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Wednesday, April 21, 2021

Hearing Room 1539

11:00 AM

CONT... Airport Van Rental, Inc., a California corporation

Chapter 11

section 552(b)(1) to treat only a portion of any post-petition rental payments received as proceeds of the lenders' prepetition collateral?

With regard to proceeds generated from sales of vehicles, turning over all net proceeds generated by the sale of the vehicle is, by definition, adequate protection for the lender's interest in these proceeds. But it should be noted that approval of this motion would not constitute authority for the debtor to sell vehicles out of the ordinary course or to depart from contractual obligations with regard to the procedures for selling vehicles. Pursuant to section 363 of the code, debtor can continue to use, sell or lease property in the ordinary course of business. If debtor wants to sell vehicles other than in the ordinary course of business, it will need to bring a motion requesting such relief. Instant motion is not such a motion. Replacement liens should suffice to provide adequate protection for lenders with an interest in other forms of cash collateral.

Hearing required.

Final Ruling for January 27, 2021:

Authorize use of cash collateral through February 26, 2021 on same terms as previously authorized, plus additional terms read into record at time of hearing. Debtor will serve any additional papers not later than February 3, 2021. Oppositions will be due February 10, 2021. Replies will be due February 17, 2021. Final hearing on use of cash collateral set for February 24, 2021 at 11:00 a.m.

Tentative Ruling for February 24, 2021:

No additional papers have been filed in connection with continued use of cash collateral and hearing on substantive consolidation has been continued to March 17, 2021. What is the status of this matter? Have all objections been resolved? Hearing required.

Final Ruling for February 24, 2021:

Continue hearing to March 17, 2021 at 11:00 a.m. Interim order to follow

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Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Wednesday, April 21, 2021

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11:00 AM

CONT... Airport Van Rental, Inc., a California corporation Chapter 11

from debtor's counsel granting motion on interim basis and authorizing use of cash collateral on same basis through March 19, 2021.

3/5/21 -- Court approved stipulation continuing hearing to April 21, 2021 at 11:00 a.m. OFF CALENDAR FOR MARCH 17, 2021.

Tentative Ruling for April 21, 2021:

What, if any, progress has been made toward resolving issues between the committee and the debtors concerning the debtors' budget and the allocations for committee's fees? What exactly is the committee looking for that it hasn't received? Hearing required.

Party Information

Debtor(s):

Airport Van Rental, Inc., a California

Represented By
Zev Shechtman
John N Tedford IV
Michael G D'Alba

Movant(s):

Airport Van Rental, Inc., a California

Represented By
Zev Shechtman
John N Tedford IV
Michael G D'Alba

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Wednesday, April 21, 2021

Hearing Room 1539

11:00 AM

2:20-20876 Airport Van Rental, Inc., a California corporation

Chapter 11

#110.00 Debtor's Motion for Entry of Order Authorizing Debtors to Maintain Cash Management System and Certain Prepetition Bank Accounts, Granting Related Relief, and Waiving 14-Day Stay

fr. 12-17-20, 2-10-21, 3-17-21

Docket 9

Courtroom Deputy:

4/21/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1601386012>

ZoomGov meeting number: 160 138 6012

Password: 176350

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666
(when prompted, enter meeting number and password shown above)

ZoomGov Appearance by:

4/15/21 - Tom Mormandin, (714)547-2444

4/19/21 - John Tedford, (310)923-0798

4/19/21 - Zev Shechtman, (310)903-6344

4/19/21 - Elan Levey, (213)894-3997

4/20/21 - Roye Zur, (310)746-4495

4/20/21 - Eryk Escobar, (202)934-4168

Tentative Ruling:

Tentative Ruling for December 17, 2020:

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Wednesday, April 21, 2021

Hearing Room 1539

11:00 AM

CONT... Airport Van Rental, Inc., a California corporation

Chapter 11

1. Why does the Bank of the West payroll account need to remain open?
2. Debtor needs to stop payment on any outstanding checks issued on accounts that remain open. To the extent that the Court authorizes the payment of prepetition amounts, new checks should be issued.
3. Merchant accounts should remain open for deposits only. Only disbursements the debtor should make from these accounts is to sweep amounts on deposit (net of any required reserves) to a DIP account.
4. There is a difference between the debtors' depositing all of their funds into, and paying all of their expenses from, a single concentration account and pooling funds in such a way as to permit receipts generated by one debtor to be used to pay expenses attributable to a different debtor. Absent substantive consolidation or an order approving a financing motion as between two or more debtor entities, one debtor's expenses should not be paid from revenues generated by a different debtor.

Subject to the foregoing, provided debtor supplies adequate proof of service, grant motion.

Final Ruling for December 17, 2020:

Court granted motion on interim basis through February 12, 2021. Final hearing set for February 10, 2021 at 11:00 a.m. (See interim order for more information.)

Tentative Ruling for February 10, 2021:

Resolve motion on the following terms to which the debtors and the US Trustee have stipulated:

1. If the substantive consolidation motion currently set for hearing on February 24, 2021 is denied: (A) the Debtors will wind down their cash management system within 30 days after entry of the order denying the substantive consolidation motion; and (B) the authority to use the Debtors' Cash Management System should be extended to 30 days after entry of such order.
2. On or before February 8, 2021, the Debtors will amend the December MOR to include "to/from" accounting. Thereafter, the Debtors will provide "to/from" accounting in all

**United States Bankruptcy Court
Central District of California
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Judge Sheri Bluebond, Presiding
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Wednesday, April 21, 2021

Hearing Room 1539

11:00 AM

CONT... Airport Van Rental, Inc., a California corporation

Chapter 11

MORs until the first month after the Court enters an order granting substantive consolidation.

3. The Debtors will continue to maintain its single non-DIP Comerica bank account, to be used solely to pay the Debtors' credit cards as authorized by the Court's Interim Cash Management Order. The Debtors will not carry on deposit at any given time more than \$100,000 in the non-DIP Comerica bank account. If the Debtors' balance on deposit in the non-DIP Comerica account exceeds the FDIC limit of \$250,000 at any given time, the Debtors will obtain a surety bond in favor of the United States to collateralize any excess over the FDIC limit in an amount no less than 115%, based on the highest average daily balance. The Debtors will close the Prepetition Merchant Accounts and Prepetition Payroll Account, as those terms are defined in the Court's Interim Cash Management Order, in a manner consistent with the Court's Interim Cash Management Order.

3/5/21 -- Court approved stipulation continuing hearing to April 21, 2021 at 11:00 a.m. OFF CALENDAR FOR MARCH 17, 2021.

Tentative Ruling for April 21, 2021:

As to AVR California and AVR Vanpool only, grant motion on a final basis.

As to AVR Georgia, AVR Nevada and AVR Texas, grant motion on an interim basis through and including June 18, 2021 and continue hearing to June 16, 2021 at 11:00 a.m.

Party Information

Debtor(s):

Airport Van Rental, Inc., a California

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
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11:00 AM

CONT... Airport Van Rental, Inc., a California corporation

Chapter 11

Zev Shechtman
John N Tedford IV
Michael G D'Alba

Movant(s):

Airport Van Rental, Inc., a California

Represented By
Zev Shechtman
John N Tedford IV
Michael G D'Alba

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Wednesday, April 21, 2021

Hearing Room 1539

11:00 AM

2:20-20876 Airport Van Rental, Inc., a California corporation

Chapter 11

#111.00 Debtor's Motion for Approval of Settlement, Adequate Protection and Plan Support Agreement with North Iowa Equity, LLC (as Successor to United Rental Group, LLC)

Docket 306

Courtroom Deputy:

4/21/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1601386012>

ZoomGov meeting number: 160 138 6012

Password: 176350

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666
(when prompted, enter meeting number and password shown above)

ZoomGov Appearance by:

4/15/21 - Tom Mormandin, (714)547-2444

4/19/21 - John Tedford, (310)923-0798

4/19/21 - Zev Shechtman, (310)903-6344

4/19/21 - Elan Levey, (213)894-3997

4/20/21 - Roye Zur, (310)746-4495

4/20/21 - Eryk Escobar, (202)934-4168

4/20/21 - Haleh Naimi, (310)734-2677

Tentative Ruling:

The only party objecting to the proposed compromise is AFC, which claims to hold a senior security interest in vehicles that the debtors leased from, or

**United States Bankruptcy Court
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Los Angeles
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Wednesday, April 21, 2021

Hearing Room 1539

11:00 AM

CONT... Airport Van Rental, Inc., a California corporation

Chapter 11

acquired with financing from, MiFleet. MiFleet has now transferred or will be transferring its interests in the vehicles to NIE, with which the debtors want to enter into a compromise.

The debtors and NIE respond that AFC does not hold a perfected security interest in the vehicles because the only perfection method used was recordation of a UCC-1, which does not work where, as here, the debtors are not automobile dealers in the business of selling vehicles. The debtors are in the business of leasing vehicles. Based on the Official Comments to section 9-311 of the UCC, the fact that the debtors may eventually sell these vehicles does not mean that they are in the business of selling the vehicles for the purpose of section 9-311.

Moreover, either the debtors leased the vehicles from MiFleet or they acquired them with financing provided by MiFleet. (This is one of the issues being resolved by the compromise.) AFC concedes that, if the agreements are true leases, the debtor did not acquire title to the vehicles and AFC never held a security interest in the vehicles. On the other hand, if these agreements were disguised financing arrangements, they were nevertheless agreements that provided the financing under which the debtors acquired the vehicles. That is, they were purchase money financing agreements. MiFleet may have had a senior lien against these vehicles under this theory as well, if the appropriate steps were taken.

In either event, the Court is not in a position to adjudicate in this context whether and to what extent AFC holds an enforceable security interest against the vehicles. FRBP requires the use of an adversary proceeding to determine the validity, priority or extent of a lien against property of the estate. However, at most, AFC is entitled to adequate protection for the value of its interest in the vehicles and the court is satisfied that, based on these facts, the revisions to the proposed settlement outlined in the parties' reply briefs are sufficient to afford AFC adequate protection for the value of any interest that it may or may not hold in the subject vehicles.

Overrule AFC's objection and approve compromise.

Party Information

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Wednesday, April 21, 2021

Hearing Room 1539

11:00 AM

CONT... Airport Van Rental, Inc., a California corporation

Chapter 11

Debtor(s):

Airport Van Rental, Inc., a California

Represented By

Zev Shechtman

John N Tedford IV

Michael G D'Alba

Movant(s):

Airport Van Rental, Inc., a California

Represented By

Zev Shechtman

John N Tedford IV

Michael G D'Alba

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Wednesday, April 21, 2021

Hearing Room 1539

11:00 AM

2:20-20876 Airport Van Rental, Inc., a California corporation

Chapter 11

#112.00 Scheduling and Case Management Conference in a Chapter 11 Case

fr. 1-27-21, 4-7-21

Docket 1

Courtroom Deputy:

4/21/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1601386012>

ZoomGov meeting number: 160 138 6012

Password: 176350

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666
(when prompted, enter meeting number and password shown above)

ZoomGov Appearance by:

4/15/21 - Tom Mormandin, (714)547-2444

4/19/21 - John Tedford, (310)923-0798

4/19/21 - Zev Shechtman, (310)903-6344

4/19/21 - Elan Levey, (213)894-3997

4/20/21 - Roye Zur, (310)746-4495

4/20/21 - Eryk Escobar, (202)934-4168

4/20/21 - Haleh Naimi, (310)734-2677

Tentative Ruling:

12/17/20 -- At hearing held this date, Court advised parties that this status conference would be called at 11:00 a.m. instead of 10:00 a.m.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Wednesday, April 21, 2021

Hearing Room 1539

11:00 AM

CONT... Airport Van Rental, Inc., a California corporation

Chapter 11

Tentative Ruling for January 27, 2021:

Set deadline for service of notice of bar date and bar date. Continue case status conference for approximately 90 days.

2/1/21 -- Court approved scheduling order with following dates:

Cont'd status conference -- April 7, 2021 at 11:00 a.m.

L/D to serve notice of bar date -- February 1, 2021

Bar date -- March 19, 2021

L/D to file updated status report -- March 26, 2021

3/26/21 -- Court approved stipulation continuing hearing to April 21, 2021 at 11:00 a.m. OFF CALENDAR FOR APRIL 7, 2021.

Tentative Ruling for April 21, 2021:

(Debtors need not continue answering the same questions in subsequent status reports. Debtors should include in its status report a general discussion of the status of the case and the debtors' efforts to reorganize their affairs.)

Now that a number of states have lifted or reduced restrictions and travel is increasing, has the debtors' business been improving? When are the debtors' projecting that their business will have "normalized"? Hearing required.

Party Information

Debtor(s):

Airport Van Rental, Inc., a California

Represented By

Zev Shechtman

John N Tedford IV

Michael G D'Alba

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Wednesday, April 21, 2021

Hearing Room 1539

11:00 AM

2:21-10255 Sinaloence Food Products & Services, Inc.

Chapter 11

#113.00 Ravi Financial's Motion to Convert Case From Chapter 11 to 7

fr. 2-24-21

Docket 14

Courtroom Deputy:

4/21/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1601386012>

ZoomGov meeting number: 160 138 6012

Password: 176350

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

(when prompted, enter meeting number and password shown above)

ZoomGov Appearance by:

4/15/21 - Michael Berger, (310)271-6223

4/20/21 - Eryk Escobar, (202)934-4168

Tentative Ruling:

Tentative Ruling for February 24, 2021:

Court agrees that, in two prior bankruptcy filings, debtor showed no willingness or ability to comply with the requirements necessary to properly prosecute a bankruptcy case and that this case got off to a shaky start as well. However, this time around, debtor has hired counsel who has handled chapter 11 bankruptcy cases before and may intend to conduct itself differently. It is too soon for this court to conclude that this chapter 11 case is doomed or that the debtor will fail to fulfill its responsibilities in this case. The proof will be "in the pudding," so to speak. Continue hearing on motion for approximately 90 days to see whether the debtor intends to prosecute this chapter 11 case diligently.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Wednesday, April 21, 2021

Hearing Room 1539

11:00 AM

CONT... Sinaloence Food Products & Services, Inc.

Chapter 11

Final Ruling for February 24, 2021:

Continue hearing to April 21, 2021 at 11:00 am. Movant should file and serve any supplemental papers not later than April 7, 2021. Debtor may file and serve a response not later than April 14, 2021.

Tentative Ruling for April 21, 2021:

Movant's April 16, 2021 supplemental reply is odd -- it argues that the Court should dismiss this chapter 11 case with a bar to refile, but that is not the relief requested by the motion. The motion sought to have this case converted to chapter 7. Nevertheless, having reviewed the debtor's supplemental opposition and the movant's reply thereto, the Court has a number of concerns.

Belatedly, on April 14, 2021, counsel for the debtor sent demand letters to the three sisters of the debtor's principal demanding a repayment of large preferential transfers made on the eve of bankruptcy. The fact that the debtor's current management would make such payments to insiders raises concerns all by itself, but, in addition, unless the three sisters plan to return the funds promptly, who will prosecute avoiding power claims against them? Clearly, the debtor cannot be relied upon to act as a fiduciary for the benefit of creditors in connection with such a prosecution. Similarly, how can the court expect the debtor to act as a fiduciary for the benefit of its creditors with regard to the conflict that exists between the debtor and its principal about the need for the principal to pay rent for her use and occupancy of the debtor's property?

And what is the debtor's game plan with regard to section 362(d)(3). The petition reflects that this is a single asset real estate case, yet the debtor has neither filed a plan nor started to make monthly payments to the secured creditor. This means that the court would be required to grant relief from stay with regard to the property if the creditor filed a motion seeking this relief. Why hasn't the debtor done anything to address this situation?

And what is the debtor's response to the questions raised in the supplemental

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CONT... Sinaloence Food Products & Services, Inc.

Chapter 11

reply about the debtor's failure to reflect on its MORs payments that it claims to have made for insurance and fencing? And what was the source of the payment to Ms. Liu of \$5,000? Were these funds provided by the debtor's principal and given to the debtor to pay Ms. Liu? If so, does the receipt/deposit of these funds appear on the MORs? Who is Dennis Russell and what became of the \$14,882.29 obtained from debtor's prior counsel? Should the court issue an OSC re appointment of a chapter 11 trustee?

Hearing required.

Party Information

Debtor(s):

Sinaloence Food Products &

Represented By
Michael Jay Berger

Movant(s):

Monroe Family Trust Dated

Represented By
Vanessa M Haberbusch
Richard A Brownstein

Shane Family Trust Dated December

Represented By
Vanessa M Haberbusch
Richard A Brownstein

Ravi Financial, a Wyoming Limited

Represented By
Vanessa M Haberbusch
Richard A Brownstein

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Wednesday, April 21, 2021

Hearing Room 1539

11:00 AM

2:21-10255 Sinaloence Food Products & Services, Inc.

Chapter 11

#114.00 Scheduling and Case Management Conference in a Chapter 11 Case

fr. 3-3-21

Docket 1

Courtroom Deputy:

4/21/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1601386012>

ZoomGov meeting number: 160 138 6012

Password: 176350

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

(when prompted, enter meeting number and password shown above)

ZoomGov Appearance by:

4/15/21 - Michael Berger, (310)271-6223

4/20/21 - Eryk Escobar, (202)934-4168

Tentative Ruling:

Ruling from March 3, 2021:

On February 24, 2021, Court continued hearing on creditor's motion to convert case to April 21, 2021 at 11:00 a.m. Continue case status conference to same date and time -- April 21, 2021 at 11:00 a.m. Debtor should file and serve updated status report (which may be included as part of its opposition to motion to convert) not later than April 14, 2021.
APPEARANCES WAVED ON MARCH 3, 2021.

Tentative Ruling for April 21, 2021:

Revisit status of case after conclusion of hearing on motion to dismiss.

Party Information

**United States Bankruptcy Court
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11:00 AM

CONT... Sinaloence Food Products & Services, Inc.

Chapter 11

Debtor(s):

Sinaloence Food Products &

Represented By
Michael Jay Berger

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Wednesday, April 21, 2021

Hearing Room 1539

2:00 PM

2:20-16889 Rhino Bare Projects LLC

Chapter 11

#200.00 Canico Capital Group, LLC's Motion for Entry of Order:

(1) Dismissing Bankruptcy Case Pursuant To 11 U.S.C. § 1112(B)(1), or, in the Alternative,

(2) Granting Relief from the Automatic Stay

fr. 3-17-21

Docket 82

Courtroom Deputy:

4/21/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1601386012>

ZoomGov meeting number: 160 138 6012

Password: 176350

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

(when prompted, enter meeting number and password shown above)

Zoomgov Appearance by:

4/19/21 - Daniel McCarthy, (213)621-0802

4/19/21 - Ori Blumenfeld, (818)705-2777

4/20/21 - Eryk Escobar, (202)934-4168

Tentative Ruling:

Final Ruling from March 17, 2021:

Continue hearing to April 21, 2021 at 2:00 p.m. to be heard concurrently with hearing on debtor's disclosure statement. The court will have a better opportunity to examine whether the debtor is acting in good faith and

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Los Angeles
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Wednesday, April 21, 2021

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2:00 PM

CONT... Rhino Bare Projects LLC

Chapter 11

proceeding diligently with a reorganization of its affairs in the context of evaluating its proposed plan and disclosure statement. No new briefing on this motion will be permitted. Additional briefing as to whether there is a reasonable likelihood of reorganization within a reasonable period should come in the context of the hearing on the debtor's disclosure statement.

Tentative Ruling for April 21, 2021:

Having reviewed and analyzed the debtor's proposed plan, the court is left with the distinct impression that, with limited exception, this case is a two-party dispute and that the purpose of the bankruptcy filing was for the debtor to obtain a more favorable forum for the litigation of any remaining disputes with Canico. Grant motion to dismiss as a bad faith filing.

Party Information

Debtor(s):

Rhino Bare Projects LLC

Represented By
Leslie A Cohen

Movant(s):

Canico Capital Group, LLC

Represented By
Daniel J McCarthy

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Wednesday, April 21, 2021

Hearing Room 1539

2:00 PM

2:20-16889 Rhino Bare Projects LLC

Chapter 11

#201.00 Debtor's Motion RE: Objection to Claim Number 9 by Claimant Canico Capital Group, LLC.

fr. 3-31-21

Docket 79

Courtroom Deputy:

4/21/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1601386012>

ZoomGov meeting number: 160 138 6012

Password: 176350

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666
(when prompted, enter meeting number and password shown above)

Zoomgov Appearance by:

4/19/21 - Daniel McCarthy, (213)621-0802

4/19/21 - Ori Blumenfeld, (818)705-2777

4/20/21 - Eryk Escobar, (202)934-4168

Tentative Ruling:

3/17/21 -- At hearing held this date, court continued hearing to April 21, 2021 at 2:00 p.m. OFF CALENDAR FOR THIS DATE. Parties also agreed that opposition to claim objection will be due March 25, 2021 and replies will be due April 9, 2021.

Tentative Ruling for April 21, 2021:

Deem claim objection to be an adversary proceeding for procedural purposes.
Discuss need for and timing of discovery with parties and whether parties

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CONT... Rhino Bare Projects LLC

Chapter 11

would like this matter sent to an early mediation. Set status conference for approximately 60 to 90 days.

Party Information

Debtor(s):

Rhino Bare Projects LLC

Represented By
Leslie A Cohen
Nathan D Meyer

Movant(s):

Rhino Bare Projects LLC

Represented By
Leslie A Cohen
Nathan D Meyer

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Wednesday, April 21, 2021

Hearing Room 1539

2:00 PM

2:20-16889 Rhino Bare Projects LLC

Chapter 11

#202.00 Motion for an Entry of Order:

- 1) Approving the Debtor's Disclosure Statement;
- 2) Approving Solicitation, Voting, Balloting and Notice Procedures
- 3). Setting Confirmation Hearing and Certain Deadlines in connection with Debtor's Chapter 11 Plan

Docket 89

Courtroom Deputy:

4/21/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1601386012>

ZoomGov meeting number: 160 138 6012

Password: 176350

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666
(when prompted, enter meeting number and password shown above)

Zoomgov Appearance by:

4/19/21 - Daniel McCarthy, (213)621-0802

4/19/21 - Ori Blumenfeld, (818)705-2777

4/20/21 - Eryk Escobar, (202)934-4168

Tentative Ruling:

See tentative ruling for matter no. 203.

Party Information

Debtor(s):

Rhino Bare Projects LLC

Represented By
Leslie A Cohen

**United States Bankruptcy Court
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Wednesday, April 21, 2021

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2:00 PM

CONT... Rhino Bare Projects LLC

Chapter 11

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Wednesday, April 21, 2021

Hearing Room 1539

2:00 PM

2:20-16889 Rhino Bare Projects LLC

Chapter 11

#203.00 Debtor's Disclosure Statement describing Chapter 11 Plan of Reorganization

Docket 87

Courtroom Deputy:

4/21/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1601386012>

ZoomGov meeting number: 160 138 6012

Password: 176350

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666
(when prompted, enter meeting number and password shown above)

Zoomgov Appearance by:

4/19/21 - Daniel McCarthy, (213)621-0802

4/19/21 - Ori Blumenfeld, (818)705-2777

4/20/21 - Eryk Escobar, (202)934-4168

Tentative Ruling:

Even ignoring any issues that may exist as to the adequacy of the disclosure statement and the various contradictory or confusing statements that it contains, as referenced in Canico's objection, approval of the disclosure statement should be denied. The plan that it describes is unconfirmable on its face for the reasons set forth below.

With regard to secured creditors, this plan does not provide for a treatment that can be confirmed over any secured creditor's objection (and court assumes that Canico would vote against confirmation). By virtue of the charging order, Canico already holds a security interest in/against the interests that the plan proposes to distribute to them, yet the plan proposes to distribute only a portion of that interest to Canico (and the other secured

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CONT...

Rhino Bare Projects LLC

Chapter 11

creditors) in full satisfaction of its claims. Where, as here, the actual value of that interest is highly speculative, giving a secured creditor a portion of its collateral in full satisfaction of its secured claim is impermissible as the court cannot make the required finding that the secured creditor will receive the "indubitable equivalent" of its secured claim. (See, e.g., Arnold & Baker Farms v. U.S. Farmers Home Admin. (In re Arnold & Baker Farms), 85 F.3d 1415 (9th Cir. 1996), cert. denied, 519 U.S. 1054 (1997) (affirming the BAP's reversal of confirmation of a "dirt for debt" plan that proposed to give secured creditor a portion of the land that served as its collateral because there was too much uncertainty as to the value of the land to be transferred).) If the debtor's interests are really worth as much as the debtor contends, the debtor should sell its interests to a third party and distribute the proceeds instead. Creditors cannot be forced to bear the risk that the debtor's valuation of these interests is accurate and realizable.

Further, the plan contemplates assigning its priority and unsecured debts for payment to Mike Galam. The plan treats this as payment in full and provides for equity to retain its ownership interests in the debtor. The treatment for Class 3, general unsecured creditors, says that "This assumption will be on behalf of Mike Galam personally and as a new value contribution on behalf of Victor Galam." The plan simply assumes away the prospect that Canico will hold an unsecured deficiency claim based on its pending claim objection (see note 9 on page 7). \$1,500,000 of the unsecured claims is held by the Galam Family Irrevocable Trust, which is wholly undocumented and may not even be a valid claim. If the debtor needs to cram down class 3, it will not be able to do so, as the promise of Mike Galam to make payment of claims in the future does not qualify as a new value contribution.

New value must be a present contribution rather than a promise to pay in the future. See Norwest Bank Worthington v. Ahlers, 485 U.S. 197, 205-206, 108 S. Ct. 963, 99 L. Ed. 2d 169, (1988) (experience, expertise, and promise of future labor not new value); Metropolitan Holding Co. v. Weadock, 113 F.2d 207, 209 (6th Cir. 1940) ("the reasonable equivalent in money or money's worth"); Kham and Nate's Shoes No. 2, Inc. v. First Bank, 908 F.2d 1351, 1362 (7th Cir. 1990) (equity holders' guarantees of the debtor's debts are "intangible, inalienable, and unenforceable" and not substantial new value); In re Yasparro, 100 Bankr. 91, 98 (Bankr. M.D. Fla. 1989) (promissory notes not

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CONT... Rhino Bare Projects LLC

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new value); In re Future Energy Corp., 83 Bankr. 470, 499 (Bankr. S.D. Ohio 1988) (promise to pay in future not new value).

The debtor is proposing to transfer its liability for the payment of priority and unsecured claims to Mike Galam and to have the debtor obtain a discharge as of the effective date. Unsecured and priority debts are not executory contracts that can be assumed and assigned. And even if they were, they would not be assignable without adequate assurance of future performance, and what information has the debtor provided to demonstrate that Mike Galam can or would pay any of these claims? Yet the debtor wants to transfer its obligations to Mike Galam and relieve itself of any liability. This is not a permissible plan structure. If Mike Galam had the financial wherewithal to make these payments, he could make a lump sum cash payment at or before confirmation in an amount sufficient to make the required payments. That might suffice as a new value contribution if the amount was appropriate and the contribution was necessary. The disclosure statement does not contain information sufficient to make this anything more than an empty promise. And is this debtor, who has no operations and will have no operations after the effective date, even eligible for a discharge?

In light of the many fundamental problems with this plan structure, it is a genuine issue whether the plan can be said to have been proposed in good faith.

Party Information

Debtor(s):

Rhino Bare Projects LLC

Represented By
Leslie A Cohen

**United States Bankruptcy Court
Central District of California
Los Angeles
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Wednesday, April 21, 2021

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2:00 PM

2:20-16889 Rhino Bare Projects LLC

Chapter 11

#204.00 Scheduling and Case Management Conference in a Chapter 11 Case

fr. 9-30-20, 1-6-21, 3-3-21, 3-17-21

Docket 1

Courtroom Deputy:

4/21/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1601386012>

ZoomGov meeting number: 160 138 6012

Password: 176350

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666
(when prompted, enter meeting number and password shown above)

Zoomgov Appearance by:

4/19/21 - Daniel McCarthy, (213)621-0802

4/19/21 - Ori Blumenfeld, (818)705-2777

Tentative Ruling:

Set deadline for serving notice of bar date and bar date. Continue case status conference for approximately 90 days.

10/6/20 -- Court approved scheduling order with following dates:

L/D to serve notice of bar date -- October 7, 2020

Bar date -- December 7, 2020

L/D to file updated status report -- December 28, 2020

Cont'd status conference -- January 6, 2021 at 11:00 a.m.

Tentative Ruling for January 6, 2021:

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Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Wednesday, April 21, 2021

Hearing Room 1539

2:00 PM

CONT... Rhino Bare Projects LLC

Chapter 11

Where is the status report that should have been filed by December 28, 2020? Hearing required.

Update on January 4, 2021: Court has received status report filed December 29, 2020. Other than submitting to a 2004 examination and serving a notice of bar date, what if any steps toward reorganization have been accomplished since the last status conference and what has to happen before the debtor will be in a position to propose a plan? Hearing required.

Final Ruling for January 6, 2021:

Continue hearing to March 3, 2021 at 10:00 a.m. to coincide with hearing on creditor's motion to dismiss or in the alternative relief from stay. Waive requirement that new status report be filed for this continued conference.

Tentative Ruling for March 3, 2021:

Creditor noticed hearing on motion to dismiss or in the alternative for relief from stay for March 17, 2021 at 10:00 a.m. Continue case status conference to March 17, 2021 at 10:00 a.m. to coincide with that hearing. No new status report required. APPEARANCES WAIVED ON MARCH 3, 2021.

Tentative Ruling for March 17, 2021:

Continue case status conference to April 21, 2021 at 2:00 p.m. to be heard concurrently with motion to approve debtor's disclosure statement.

Tentative Ruling for April 21, 2021:

Revisit status of case after conclusion of related matters on calendar.

Party Information

Debtor(s):

Rhino Bare Projects LLC

Represented By
Leslie A Cohen

**United States Bankruptcy Court
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Judge Sheri Bluebond, Presiding
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Wednesday, April 21, 2021

Hearing Room 1539

2:00 PM

2:20-16889 Rhino Bare Projects LLC

Chapter 11

Adv#: 2:21-01036 Rhino Bare Projects LLC et al v. Canico Capital Group, LLC et al

#205.00 Defendants Motion For Abstention and Dismissal of Complaint and Adversary Proceeding

fr. 4-20-21

Docket 7

Courtroom Deputy:

4/20/21 - Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/1616186822>

ZoomGov meeting number: 161 618 6822

Password: 124476

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

(when prompted, enter meeting number and password shown above)

Tentative Ruling:

Why does this matter need to be heard in bankruptcy court? If this matter is "core" because it constitutes a counterclaim to the defendant's claim against the estate, it is nevertheless the kind of counterclaim that raised issues under Stern v. Marshall, no? Defendant has not consented to this court's entry of final orders and has demanded a jury trial. The claims do not arise as a matter of bankruptcy law. They relate to prepetition conduct and are based on state law. Grant motion to abstain. (Court can hold the claim objection in abeyance pending the outcome of the state court litigation.)

Continue hearing to April 21, 2021 at 2:00 p.m. to be heard concurrently with other matters in the Rhino Bare case. OFF CALENDAR FOR APRIL 20, 2021. (Note: Status conference is scheduled for April 27, 2021 at 2:00 p.m.)

Party Information

**United States Bankruptcy Court
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Los Angeles
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Hearing Room 1539

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CONT... Rhino Bare Projects LLC

Chapter 11

Debtor(s):

Rhino Bare Projects LLC

Represented By
Leslie A Cohen
Nathan D Meyer

Defendant(s):

Canico Capital Group, LLC

Represented By
Daniel J McCarthy

West Best Capital Group, LLC

Represented By
Daniel J McCarthy

Abraham Assil

Represented By
Daniel J McCarthy

Movant(s):

Canico Capital Group, LLC

Represented By
Leslie A Cohen

Canico Capital Group, LLC

Represented By
Daniel J McCarthy

West Best Capital Group, LLC

Represented By
Daniel J McCarthy

Abraham Assil

Represented By
Daniel J McCarthy

Plaintiff(s):

Rhino Bare Projects LLC

Represented By
Leslie A Cohen
Nathan D Meyer

Canico Capital Group, LLC

Represented By
Leslie A Cohen